

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, MIRJANA PAVKOVICH,  
Administrator of the Estate of Rade Pavkovich, Deceased, and  
WARREN ELMER HALFPAP,

Plaintiffs,

-against-

GRUPO MEXICO S.A. de C.V., a Mexican Corporation,  
SOUTHERN PERU HOLDINGS CORPORATION, a  
Delaware Corporation, SPHC II, a Delaware Corporation,  
GRUPO MINERO MEXICO INTERNACIONAL, S.A. DE  
C.V., a Mexican Corporation, MEXICANA de COBRE, S.A.  
de C.V., a Mexican Corporation, CONTROLADORA  
MINERA MEXICO, S.A. de C.V., a Mexican Corporation, JP  
MORGAN CHASE & COMPANY f/k/a CHASE  
MANHATTAN BANK & TRUST COMPANY, a Delaware  
Corporation AMERICAS MINING CORPORATION, a  
Delaware Corporation, ERNST & YOUNG LLP, ERNST &  
YOUNG CORPORATE FINANCE, LLC, CREDIT SUISSE  
FIRST BOSTON, INC., CREDIT SUISSE FIRST BOSTON,  
LLC and CREDIT SUISSE FIRST BOSTON (USA),  
INC., GERMAN LARREA MOTA-VELASCO, Officer and  
Director of ASARCO, Inc., OSCAR GONZALES ROCHA  
Officer and Director of ASARCO, Inc.,

Defendants.

Index No. 114728/04

STIPULATION

FILED  
MAR 02 2005  
NEW YORK  
COUNTY CLERK'S OFFICE


IT IS HEREBY STIPULATED AND AGREED, by the undersigned counsel, that the time for Defendants Credit Suisse First Boston, Inc. ("CSFB, Inc."), Credit Suisse First Boston, LLC ("CSFB, LLC") and Credit Suisse First Boston (USA), Inc. ("CSFB USA") (and, collectively, "CSFB") to answer, move or otherwise respond to the live complaint in this action is the later of (i) May 15, 2005 or (ii) 30 days following Plaintiffs' written (including electronic mail) communication to counsel for CSFB requesting the responses of CSFB to the live complaint in this lawsuit; and it is further

STIPULATED AND AGREED that neither CSFB nor their counsel will raise any objections to the effectiveness of service of the live complaint in this action.


A facsimile copy of this Stipulation containing the signatures of counsel for the parties shall be deemed an original.

Dated: March 1, 2005

**Dewey Ballantine LLP**  
Attorney for the CSFB Defendants

By:   
Leo V. Gagon, Esq.  
1301 Avenue of the Americas  
New York, New York 10019-6092  
(212) 259-8000

**WEITZ & LUXENBERG, P.C.**  
Attorneys for Plaintiffs

By:   
Gary Klein  
180 Maiden Lane  
New York, New York 10038  
(212) 558-5500

**BARON & BUDD, P.C.**

Alan B. Rich, Esq.  
The Centrum, Suite 1100  
3102 Oak Lawn Avenue  
Dallas, Texas 75219  
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STIPULATION

WEITZ & LUXENBERG, PC.

Attorneys for Plaintiffs

180 Maiden Lane  
New York, NY 10038  
(212) 558-5500

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: .....

Signature.....

Print Signer's Name.....

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

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NOTICE OF  
ENTRY

that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court on

20

☐

NOTICE OF  
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the  
Hon. one of the judges of the within named Court,  
at  
on

20

, at

M.

Dated:

WEITZ & LUXENBERG, PC.

Attorneys for

To:

180 Maiden Lane  
New York, NY 10038